

NATIONAL POLICE GAZETTE.

GEORGE W. MATSELL & CO.,
EDITORS AND PROPRIETORS.

NEW YORK: FOR THE

WEDNESDAY, OCTOBER 12, 1867.

VOL. XXIII. NO. 1154. PRICE TEN CENTS.

Entered according to Act of Congress, in the year 1867, by GEORGE W. MATSELL & CO., in the Office of the District Court of the United States, for the Southern District of New York.

THE MYSTERY OF A LAWYER'S RETAINER IN A DIVORCE SUIT.

AN EPISTOLARY CURIOSITY—CHARGES AND COUNTER-CHARGES OF ADULTERY.

FRANDEUSE DIVORCED, CONVICTED, AND SENTENCED WITHOUT HER KNOWLEDGE.

A RABBLE OF UNSCRUPULOUS LAWYERS.

JUSTICE SYSTEMATICALLY STRANDED AND OUTRAGED.

Closed Courtrooms and Smothered Testimony.

THE NEW POLICY OF OUR CITY JUDICIARY.

THE BURIAL-PLACE OF COMMUNAL RUMORS.

We have often called attention to the swiftness

with which divorces are obtained in this city:

and a case is now pending before the Supreme Court

that illustrates the villainous badness to all the

eyes of the city. It is amazing that, with all

the judicial force and machinery continually in full

operation in this city, some method could not be devised

to rebuke and effectually put down these perjured

attempts on the part of both counsel and parties,

at villainous intermeddling with the most sacred

relations of civilized society. But all these repetitions

of impudent fraud, are the clear outgrowth of the

new policy lately adopted by our city courts, demand-

ing the testimony in divorce cases to be taken be-

fore a referee, and thus taking the whole proceeding

to be disposed of secretly and quietly. This

mode of procedure enables that rabble of perjured

lawyers with which our city is cursed, who make the

procurement of fraudulent divorces a business, to

do up their guilty work successfully and effectually,

and also enables scoundrelly applicants for divorces,

who follow matrimony as an occupation, to push

their lying unscrupulous through without reasonable

objection. One of the vital elements of justice in

both civil and criminal proceedings, consists in the

fact that those proceedings be had in public.

Open courts and public trials are among the great

distinguishing features of all true constitutional gov-

ernments. This is considered to be due as well to the

public, as to all the parties directly interested.

Such a general policy is calculated to ensure justice,

and surround fraudulent purposes with the observa-

tion of myriads of eyes. The unprincipled lawyer

and the unscrupulous party to a case, thus sur-

rounded and watched, will find it quite impossible to

escape detection in their meditated fraud. But if the

proceedings are allowed to be smothered up, as

they are now authorized to be by the Judiciary of

this city in divorce suits, in the privacy of a refer-

ee's office, a boundless latitude is opened for just

the criminal matrimonial practices with which this

city is constantly teeming. The courts say it is an

offense against public decency that the proceedings

in divorce cases be transacted in public, and hence

the wisdom of their new order, that all the proceed-

ings in such cases, and all the papers connected

with them, be kept as rigidly locked from the public

eye as possible. But does it contribute to private

morality that lawyers and parties be offered every

temptation, as I furnished every facility for the con-

tinual practice of triumphant perjury and fraud? Is

it more injurious to public morals that they know, in

any matter at law, the entire and precise truth, dis-

creet and offensive though it may be, exactly as

is, or that our system of legal practice in divorce

suits should settle down into a chronic falsehood, a

lying, robbing, and cheating, according to the

strength and the law, and thus out the very heart

of legislation? We submit these reflections, to

the consideration of our metropolitan judiciary,

and to the public, as a warning to reflection, and

to the adoption of a policy.



A Romantic Wedding—A Schoonmaker and his wife united in wedlock at St. Louis, Mo.



Lilly Smith "flogging" her husband at the Tombs Police Court, Centre Street.



Highwayman Assailing manager Thomas Maguire on Eighth Street, near Broadway, N. Y.



Indignant Husband Chastising an Intrusive Grocer at Lafayette, Ind.



Felice Wells shooting two burglars on Johnson St., Albany.

that her husband and perjury in public justice be-
hind the shadows of a referee's office, and reduce
the solemn gravity of a divorce proceeding to the
level of a common law case. (Our judicial
system, perhaps, honestly impressed with the fact,
that in their new divorce order, they are not con-
tributors to both public morality and public decency.
But we don't see it. The strikingly illustrative case
now before us, darkens our opinion, and especially
in disabbling us from a vivid appreciation of closed
court rooms, and smothered, hushed, and smothered
testimony. What is this case? Some twelve months
ago, a man by the name of Frank A. Hermance ap-
plied in this city for a divorce from his wife, Mrs.
Kate A. Hermance. The aggrieved husband failed to
apply for this remedy of divorce, he relied from
all matrimonial ties from his wife, on account of her
wife's adultery. He was successful in getting a di-
vorce. The case, as usual was ordered by the court
to be sent before a referee. The wife was ordered
on pain of the suit was not present, but was alleged
at the time to be in Chicago. This allegation is
regarded to be in Chicago, as is now maintained,
and as clearly appears, was an important incident,
commencing the very initial stage of this divorce
proceeding, as will be disclosed in the sequel. The
wife was summoned to appear and defend in the
action by mere publication in the papers. But this
summons, by newspaper publication, never reached the
wife, as it was of course "lost" or "misplaced," and
not, and the whole proceeding was begun, carried on,
and

THIRTEENTH EDITION.
without any knowledge whatever on the part of Mrs.
Hermance that such a suit was in progress against
her. But right here another interesting "side
show" discloses itself, in connection with this latest
proceeding of divorce by referee. Though the lady
did not appear in answer to her husband's sum-
mons, for the very good reason that she had not the
most remote suspicion that her fond husband had
summoned her, yet a convenient lawyer is alleged
to have been found to represent the lady in dis-
cussion, and answer for her defense. This lawyer
responded to the summons to behalf of Mrs. Her-
mance, though the lady herself was utterly un-
conscious that she had been summoned, and that this
"a very pretty quarrel, as it stands."

But this allegation of even the law, and appearance
in on the other hand broadly denies, which involves
the whole affair of this mysterious lawyer's ap-
pearance in a condition of lively and interesting mystery.
The judgment divorcing Mrs. Hermance is alleged to
have been taken by default—that is, that there is no
appearance of even the shadow of a lawyer for the
defense. This judgment of divorce nullified of
course he kept a permanent secret from the wife.
She ultimately learned the impression, and of
course no one could be more surprised than Mrs. H.,
when she realized that she had been divorced, and
sentenced, without the slightest knowledge on
her part of the operation. This revelation was cer-
tainly not calculated to quiet the excited wife, but
rather roused her to combative resistance, and sent
her in the resolution to ventilate the whole.

MURDER OF INQUIRY
of which she had been the subject, in the pursuit of
this object, Mrs. H. began efforts, through her coun-
sel, a few months ago, to open the judgment ren-
dered against her, and among the first steps which
she took her motion to open the divorce, the lady
urges that the newspaper summons notifying her
of the pending suit, was directed to Chicago, where
she alleges that at that very time she was living
in the neighborhood of St. Louis, fifteen or
twenty miles from that city, and that consequently she
had no possible intimation of the proceeding that
had been instituted against her.
Nor did she know anything about the matter.

under arm, was set free by the police court, and her "own woman," was set free by the police court, and

This image shows a vertical strip of a document page. The left side is a dark, textured surface, possibly a book cover or endpaper. The right side is a lighter, textured surface, possibly a page of text. A vertical line separates the two surfaces. The image is oriented vertically.

